

A. OVERVIEW

Clients have the right to receive written notice of their fair hearing rights at the time of application, denial, termination, suspension, grant reduction or notification of overpayment. [see RCW 74.08.080].

Clients have the right to be represented or to represent themselves at their hearings [WAC 388-08-428].

An appellant is a client who has requested a hearing. When the department requests an Administrative Disqualification Hearing in a food assistance case, the client is the respondent.

CLARIFYING INFORMATION:

The Community Service Office (CSO) Fair Hearing Coordinator (FHC), usually a Financial Service Specialist, has responsibility for fair hearings in the CSO. The Home and Community Services (HCS) FHC has responsibility for fair hearings related to HCS clients.

Not every complaint received about a department action is a request for a fair hearing. Refer to information about the complaint procedure in WAC 388-426-0005 for complaints that are not appropriate for a hearing.

The Office of Administrative Hearings (OAH) is responsible for scheduling fair hearings and sending a notice of the date and time for the hearing to all participants [see WAC 388-08-434 for a complete text of the rule including required notice content].

The DSHS Board of Appeals is responsible for reviewing initial decisions on the request of either the department or the appellant. [See WAC 388-08-410(4)].

A client has the right to request a judicial review of a final DSHS hearing decision [see WAC 388-08-575].

Fair hearings are conducted by Administrative Law Judges (ALJ), employed by the Office of Administrative Hearings (OAH). The OAH is not a part of DSHS [see WAC 388-08-410].

Fair hearings can be held in person or by teleconference call [see WAC 388-08-449]. The Community Service Office (CSO) Fair Hearing Coordinator (FHC), usually a Financial

Service Specialist, has responsibility for fair hearings in the CSO.

The CSO Administrator (CSOA) has final authority to resolve issues pending a fair hearing.